

BULLETIN OF THE UNIVERSITY OF SANTA CLARA

Volume II

Number 2

University of Santa Clara

Institute of Law

SANTA CLARA, CALIFORNIA

DECEMBER, 1912

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OF SANTA CLARA COLLEGE**

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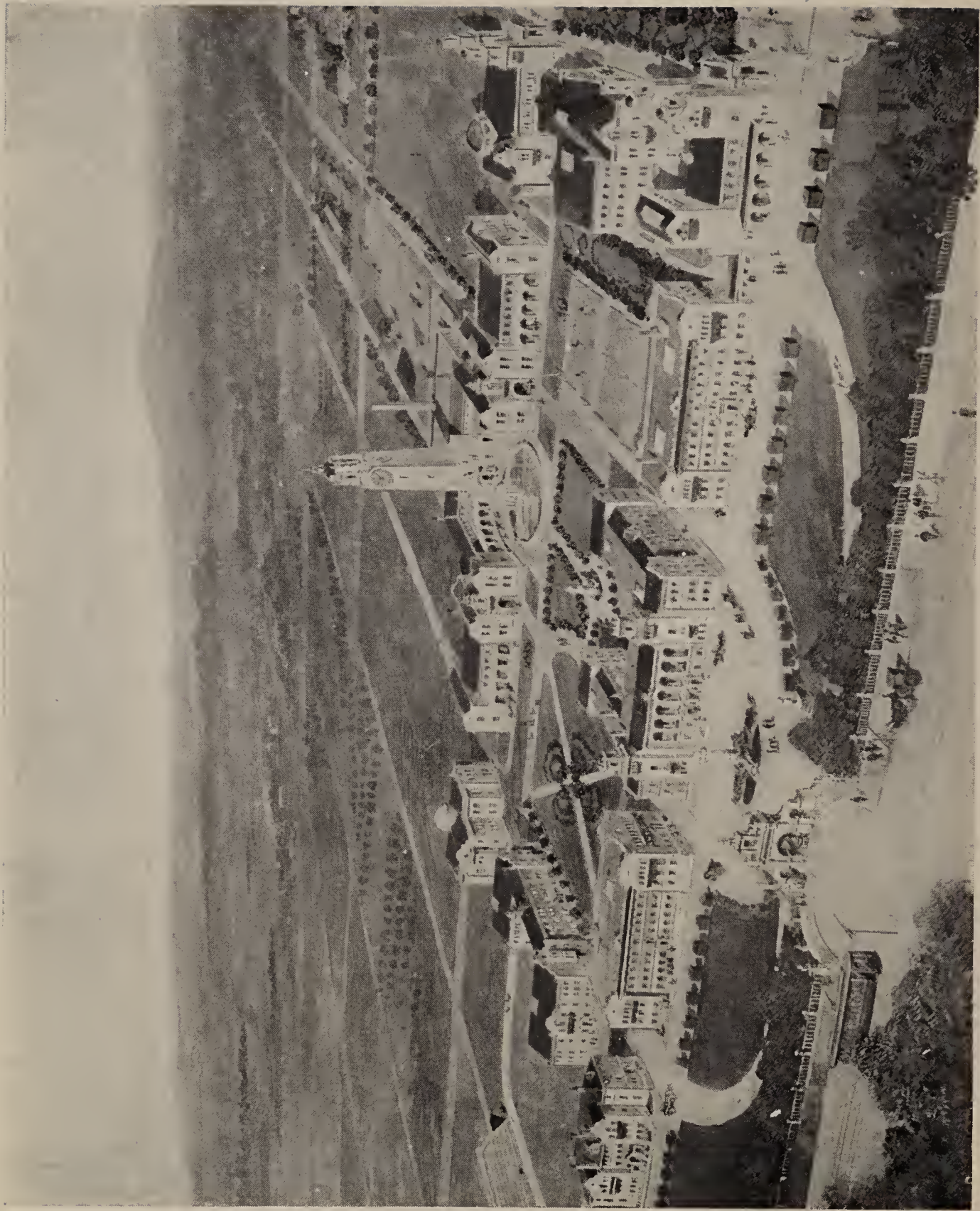
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UNIVERSITY OF SANTA CLARA

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UNIVERSITY OF SANTA CLARA

ITS FAVORED LOCATION

The University, with its numerous buildings and spacious and beautiful grounds, where stately palms wave their banners seventy feet in air, is the principal feature of the interesting Mission town of Santa Clara, in the beautiful valley of the same name. It lies in Central California, forty-eight miles south of San Francisco, a city of half a million inhabitants, and is separated from San Jose, the chief city of the county, only by the historic Alameda, three miles long. The Valley of Santa Clara is famous throughout the world for the rare beauty of its scenery, the salubrity of its climate, and the excellence of its fruits. The climate is mild and equable both in summer and winter, and on that account singularly favorable to the prosecution of persistent study and deep research. While never oppressively hot, this climate is far sunnier than the Sunny South, especially in winter; more genial and balmy than Italy or Andalusia.

When this locality was little more than a wilderness, its attractions of climate, location and scenery fascinated Bayard Taylor, the greatest traveler America has produced. Of all places on earth, to him the land of Eden was California, and of all places in California, the Vale of San Jose (as he understood it was called). Again and again he refers to it in terms of the most glowing praise.

Besides the road over which the great traveler was glad to travel in a carriage, a multitude of trains, several of them transcontinental, now rush daily. All the way from San Jose to the great city of San Francisco fifty miles away, the slopes are adorned with lovely homes; the jungles of mesquite and chaparral, so dense as hardly to allow the passage of a rabbit, have given place to trim orchards, luxuriant gardens, and pleasant homes.

FOUNDATION

It is in this scene that the University of Santa Clara is set. It is located on the site of the Old Mission of Santa Clara, Santa Clara, California.

On January 12, 1777, two Franciscan Padres, de la Pena and Murguia, planted the Mission Cross on the banks of a little stream, called from that time the Guadalupe, at a spot now forming a part of the Laurel Wood Farm, near the Agnew Asylum. Two years later, a flood destroyed the primitive buildings, both church and monastery, and the Padres in consequence sought a site on higher ground near the present railway depot of Santa Clara.

There, on November 9, 1781, they laid the foundations of a large adobe church and mission buildings. Three years later, on May 15, 1784, the new church was dedicated, by the Venerable Padre Serra, then Padre Presidente of all the Missions of California.

This church, however, was so badly shattered by several earthquakes in 1812 and 1818, that the Padres were forced to build anew. This time they chose the site which the University now occupies. There on

August 11, 1822, the same Padre Serra dedicated a still larger church which did service for many years till the violent earthquakes in the years 1865 and 1868 so cracked and weakened it that extensive repairs were necessary. By the year 1885 it had been almost entirely removed, having been gradually replaced by the present wooden edifice, the interior of which is a nearly perfect facsimile of its predecessor, retaining as it does, some of the old ornaments and furniture and the very ceiling of its sanctuary; while the other parts are so designed as to be a faithful reproduction of the original church.

The Mission of Santa Clara was secularized in 1836 and passed from the hands of the devoted Padres into those of politicians, who in dealing with the helpless Indians violated as well God's laws of right and justice, as the laws of the Mexican government in whose name they ruled. Santa Clara was soon robbed of her lands, and her children were oppressed or driven away to the forests.

When Rt. Rev. Joseph Sadoc Alemany, O. P., arrived on the scene, as Bishop of the Diocese of San Francisco in 1850, he found one lone Franciscan in charge of the mission, which had been restored by the American government, though in a sadly reduced form, most of the land being occupied by squatters.

Desiring to save the remnants of the mission, and also to start a college to meet the growing need of the times, the Bishop invited the Society of Jesus to Santa Clara. The invitation was accepted, and accordingly on March 19, 1851, the Rev. John Nobili, with a capital of "one hundred and fifty dollars and

a brave heart," laid the foundation of the University of Santa Clara and began the work.

Nobili adapted the old adobe buildings to the requirements of a school, and in a few years numerous students were in attendance. In 1856 in the midst of his works he was stricken down, not, however, before he had seen the institution he had founded, on April 28, 1855, chartered a university.

Men after his own heart offered themselves to carry on his work, and students came from every part of California, as well as from neighboring states, so that the influence of Santa Clara was felt from the very outset. This influence has steadily increased and now there is hardly a city or town in the West which does not count an alumnus of the pioneer University among its most loyal and eminent sons.

THE PRESENT

The popularity of the University has steadily increased in the course of years. An ever increasing number of students give evidence of the efficiency of the education and training it imparts. Owing, however, to the fact that only a limited number of students could be accommodated this growth of Santa Clara has been greatly hampered. Last year, for example, the pre-academic classes were discontinued and between forty and fifty students who applied for entrance into these classes were refused admission.

Even more pronounced than this material growth has been the improvement wrought in the student body by the judicious selection of applicants for ad-

mission and the no less judicious elimination from the University, of students whose moral influence was not helpful. The principle of the faculty has been to receive and retain no one whose manners are not gentle and whose habits are not irreproachable. Today parents realize that education which neglects manners is a mistake and that a university which overlooks or takes little account of morals is a monstrosity.

CONSTITUENT COLLEGES

The University now possesses the following constituent Colleges: The College of Philosophy and Letters The College of General Science; The Institute of Law; The College of Engineering, embracing Civil, Mechanical and Electrical Engineering; the College of Architecture; The School of Pedagogy; and The Pre-Medical Course.

FUNDS AND NEW BUILDINGS

The growth in the number of her students of recent years has made it imperative to provide ampler and more substantial accommodations for the students. For this and in order that Santa Clara may widen her scope as a first class educational institution funds are necessary. Santa Clara stands in imperative need of an endowment. The work the University has accomplished in the past is an earnest of what she will do when increased facilities are afforded her.

An endowment, however, implies a founder or founders and benefactors. During the past few

years many have helped the University and generous donations have been made. The first of the new buildings, the Administration building, a structure 200x43, in re-enforced concrete and the Senior Hall likewise in re-enforced concrete are completed. But before other buildings for which the plans of the University provide may be added, further benefactors will be needed. Other educational institutions, even those state-aided and richly endowed receive generous assistance in the work and hesitate not to ask it. Santa Clara feels that generous friends are not lacking, though for the want of deeper thought on the matter, few realize the importance of Christian Educational work, the immense sacrifice it entails, and the merit there is in co-operating and sharing with Christian educators in their work for God and Country and the welfare of the young men of our generation who are to become the leaders of the generation of tomorrow. The faculty of the University has given its life-services freely and gladly to the work. Those who would share with them in this great enterprise can do so most effectively by rendering material aid and contributing funds for the continuance and development of the work.

FORM OF BEQUEST

I give and bequeath unto the President and the Board of Trustees of Santa Clara College, a corporation duly incorporated under the laws of the State of California, a sum of..... dollars.

SYSTEM OF EDUCATION

The educational system of the University of Santa Clara is based on the Ratio Studiorum of the So-

ciety of Jesus. Those who are desirous of making either a scientific or historical study of that system have abundant sources of information in the following works: **Monumenta Germaniae Pedagogica**, Vols. II., V., IX., XVI., **Un College de Jesuites**, par C. de Rochemonteix, S. J., and for a shorter, but complete, commentary on the **Ratio Studiorum**, the reader is referred to "**Jesuit Education**", by Robert Schwickerath, S. J., (Herder, St. Louis, 1903).

The subjoined brief outline of the underlying principles of the system, the dominant features of its method, and the objects aimed at by its teaching will give a general idea of its purpose. By education in its complete sense, Jesuits understand the full and harmonious development of all those faculties that are distinctive of man. It is not, therefore, mere instruction or the communication of knowledge. In fact, the acquisition of knowledge, though it necessarily accompanies any right system of education, is a secondary result of education. Learning is an instrument of education, not its end. The end is culture, and mental and moral development.

Understanding then clearly the purposes of education, such instruments of education, that is, such studies, sciences or languages, are chosen as will most effectively further that end. These studies are chosen, moreover, only in preparation, and in such numbers, as are sufficient and required. A student who is to be educated will not be forced, in the short period of his university course and with his immature faculties, to study a multiplicity of the languages and science into which the vast world of

modern knowledge has been scientifically divided. If two or more sciences, for instance, give similar training to some mental faculty that one is chosen which combines the most effective training with the larger and most fundamental knowledge.

The purpose of the mental training given is not proximately to fit the student for some special employment or profession, but to give him such a general, vigorous and rounded development as will enable him to cope successfully even with the unforeseen emergencies of life. While giving the mind stay, it tends to remove the insularity of thought and want of mental elasticity, which is one of the most hopeless and disheartening results of specialism in students who have not brought to their studies the uniform mental training given by a systematic university course. The studies, therefore, are so graded and classified as to be adapted to the mental growth of the student and the scientific unfolding of knowledge; they are so chosen and communicated that the student shall gradually and harmoniously reach, as nearly as may be, that measure of culture of which he is capable.

It is fundamental in the system of the Society of Jesus that different studies have distinct and peculiar educational values. Mathematics, the Natural Sciences, Languages and History are complementary instruments of education to which the doctrine of equivalence cannot be applied. The specific training given by one cannot be supplied by another.

Furthermore, Language and History have always been held in esteem as leading factors in education.

Mathematics and the Natural Science bring the student into contact with the material aspects of nature, and exercise the inductive and deductive powers of reason. Language and History effect a higher union, they are manifestations of spirit to spirit, and by their study and for their acquirement the whole mind of man is brought into widest and subtlest play. The acquisition of Language especially calls for delicacy of judgment and fineness of perception, and for a constant, keen and quick use of the reasoning powers. A special importance is attached to the classic tongues of Rome and Greece. As these are languages with a structure and idiom remote from the language of the student, the study of them lays bare before him the laws of thought and logic, and requires attention, reflection, and analysis of the fundamental relations between thought and grammar. In studying them the student is led to the fundamental recesses of language. They exercise him in exactness of conception in grasping the foreign thought and in delicacy of expression in clothing that thought in the dissimilar garb of the mother-tongue. While recognizing, then, in education the necessity and importance of Mathematics and the Natural Sciences, which unfold the inter-dependence and laws of the world of time and space. the Jesuit system of education has unwaveringly kept Language in a position of honor as an instrument of culture.

Lastly, the system does not share the illusion of those who seem to imagine that education, understood as an enriching and stimulating of the intellectual faculties, has a morally elevating influence

in human life. While conceding the effects of education in energizing and refining imagination, taste, understanding and powers of observation, it has always held that knowledge and intellectual developing side by side, the moral and intellectual ligion only, can purify the heart and guide and strengthen the will.

The Jesuit system of education, then, aims at developing side by side, the normal and intellectual faculties of the student, and sending forth to the world men of sound judgment, of acute and rounded intellect, of upright and manly conscience. And since men are not made better citizens by the mere accumulation of knowledge, without a guiding and controlling force, the principal faculties to be developed are the moral faculties. Moreover, morality is to be taught continuously; it must be the underlying base, the vital force supporting and animating the whole organic structure of education. It must be the atmosphere the student breathes. It must suffuse with its light all that he reads, illumining what is noble and exposing what is base, giving to the true and false their relative light and shade.

STUDIES

It is one of the decided advantages of the system followed at Santa Clara, that the student may begin his studies in the Preparatory School conducted under the supervision of the University authorities, and then pass on, through the University Course, to graduation under the same direction and influence. This secures, besides the moral influence thus gained, a

uniform and homogeneous course of teaching and training. The result of this system is a continuous and normal development of the mental faculties along well defined lines, and the possession of a clear and coherent system of principles upon the subjects which he has studied.

SESSIONS, HOLIDAYS, HOURS

The school year consists of two semesters.

The next semester begins February 1, 1913, and ends June 21, 1913.

The following semester will begin early in September and will close January 31, 1914.

HOLIDAYS

The recess at Christmas-tide extends from December twenty-first to January third.

The weekly holiday is on Wednesday.

HOURS

Lectures and Classes begin daily at 8:55 A. M., and close at 3:30 P. M. There is also a lecture every evening from 7:15 to 8:15 in the Institute of Law.

SCHOLARSHIPS

Every year several deserving young men of high character and aspirations, whose means do not permit their attending the university, appeal to the Faculty for assistance to obtain the education for which their talents and vocation fit them. There is scarcely a university in the United States which is not provided with a fund for this purpose, and a relatively large percentage of successful college men spring from the class of assisted students. It is clearly a noble benefaction to contribute to such a purpose in any case. But this is especially so in the case of those who apply for help to the University of Santa Clara. They are as a rule young men of high standing, who understand the paramount value of an education in a university which aims at the highest intellectual development of the student, while devoting no less attention to the perfect development of his moral character. As a consequence it follows that to assist them in attaining their desire is to aid picked young men whose future is more than ordinarily full of promise, and who are destined to exert a most powerful influence on those among whom their lives will be spent.

It is the intention of the Faculty of the University of Santa Clara to make an earnest effort to supply this pressing need, by establishing free scholarships for resident and non-resident students, so that worthy young men may receive the help they desire. For this purpose an appeal is made to all who appreciate the importance of the matter.

The Scholarships to be founded will be of two classes, perpetual and temporary. By establishing a perpetual scholarship the donor will maintain one student at the University of Santa Clara in perpetuity. A temporary scholarship will maintain one student at the University during the four years of his course. The amount contributed will be invested in reliable securities, the interest of which will support the student. The cost of founding Scholarships is as follows:

Perpetual Scholarship for a resident student—board, lodging, etc., tuition, text-books	\$12,500.00
A perpetual Scholarship for a day student—tuition and text-books.....	\$ 3,000.00
A temporary Scholarship for a resident student—board, lodging, tuition, text-books, for four years	\$ 2,000.00
A temporary Scholarship for a day student—tuition, text-books, etc., for four years	\$ 500.00

It is the desire of the Faculty to name these Scholarships after their founders, that thus the recipients of their generosity may know to whom they are indebted for their education, and ever retain grateful remembrance of them.

We are pleased to announce that the first perpetual Scholarship for a resident student has this year been established through the generosity of a Friend in memory of the late Mrs. Alice Phelan Sullivan. It will be known as the Alice Phelan Sullivan Memorial Scholarship.

GENERAL REGULATIONS

No one will be admitted as a student unless he has a good moral character.

Candidates for admission must present satisfactory recommendations. Those from other educational institutions must be recommended by the institutions whence they came. For scholarship requirements cf. Graduate and Undergraduate Departments.

Students are not received for a shorter period than half a session.

As the Faculty of the University profess the Catholic Religion, the exercises of religious worship are Catholic; but members of any religious denomination are received, provided they be willing, for the sake of order and uniformity, respectfully to conform to the religious observances of the University.

No student will be permitted to leave the University on visits of any length, except at the Christmas holidays from the twenty-third of December to the third of January, if such be the wish of his parents or guardian. Parents are requested not to call their sons home at other times, except in cases of urgent necessity, as such interruptions, besides tending to undermine or prevent the acquisition of habits of concentration and preserving work, are apt to result in poor scholarship and in the consequent wrecking of the whole career of the student.

A recess at Thanksgiving and Easter may be given at the discretion of the President.

Students who, having left the University for the summer vacation, or Christmas holidays, fail to be present on the day for the re-opening of class, will, by the fact of absence, be excluded from the University, or at the discretion of the Faculty from privileges until the following semester, particularly the privilege of visiting friends and relatives on the Second Wednesday, unless parents or guardians show cause of absence, which the Faculty shall consider wholly sufficient.

The students are not allowed the use of tobacco, except in First Division, with written permission from parents or guardians.

Students are not permitted to have books or other publications that have not been approved by the Vice President.

To cultivate the heart, no less than to develop the intellectual and physical faculties of the students, is a duty kept constantly and sacredly in view.

The students' correspondence is subject to the inspection and control of the President.

To hold meetings or to form clubs or societies of any kind without the consent of the President; the habitual use of profane language; gross immorality committed either within or without the precincts of the Institution; the possession or distribution of immoral publications or pictures; intoxication; procuring or introducing intoxicating liquors, directly or indirectly into the University; habitual idleness and vio-

lation of the rules of the University; obstinate refusal to submit to a punishment inflicted; absence from the University at night without leave from the President; avowed principles of infidelity; express contempt or ridicule of religion, are offenses which expose the offenders to dismissal.

EXPENSES IN ALL THE DEPARTMENTS OF THE UNIVERSITY

RESIDENT STUDENTS

Marticulation Fee to be paid but once.....	\$ 15.00
Board, Tuition, Lodging, including washing and mending of linen, per term (half year)	200.00
Fee for athletic activities, per term.....	2.50

NON-RESIDENT STUDENTS

Tuition in University Course, per term.....	30.00
Tuition in High School Course, per term.....	20.00
Dinner, per term	35.00

ADDITIONAL EXPENSES

Furnished Room and attendance, per year, double rooms	60.00
Furnished Room and attendance, per year, double rooms used for one person.....	120.00

A few rooms are reserved at a higher rate.

No room shall be considered engaged unless a deposit of \$25.00 has been made for the same. On his actual entrance into the University, half of this amount will be credited to the student's account, and the other half will be retained as security against damage to room or furniture.

Law students' deposit for books, per year.....	25.00
Pre-Medical Laboratory, per term.....	25.00

Engineering Laboratory, shop, etc., Senior and Junior years, per term	25.00
Laboratory for Juniors and Seniors, not in Engineering Courses, per term.....	12.50
Senior and Junior Architecture, per term.....	25.00
Freshman and Sophomore Laboratory, per term	7.50
Modern Languages not in regular course, per year	20.00
Science deposit for breakage	5.00
Typewriting, full course.....	20.00
For each Academic Degree	10.00
For Commercial Certificate	5.00
For room in Infirmary per day	1.00
For each extra examination.....	2.00

**ALL CHARGES MUST BE PAID HALF
YEARLY IN ADVANCE.**

No expenditure for clothing or for incidental expenses of any student and no advances for pocket money will be made by the Institution, unless an equivalent sum has been deposited with the Treasurer of the University.

Books and stationery are furnished at dealers' rates.

No rebate will be allowed in favor of those who enter late, nor, in the case of any student, for absence at the opening of the terms in September and February. No reduction is made when students are withdrawn from University during the term for other reasons than serious illness. Degrees will not be conferred on any student whose account with the University has not been settled.

An itemized bill is sent at the end of each semester.

(1) Term bills and other accounts are subject to sight draft if not paid within ten days after they have been rendered.

(2) Remittances should be made payable to the order of the University of Santa Clara.

(3) No one may be temporarily or permanently withdrawn from University without the President being directly notified. In either event money should be sent for the trip, and, in the latter, accounts ought also to be settled.

(4) Those who do not return home for the summer vacation are afforded accommodations at moderate rates with respectable families, who, under the direction of the College authorities, assume charge of them.

(5) A limited number of student waiters can be received at reduced rates.

There are no charges for the services of the College physician; but medicines procured at the College infirmary will be charged as used by individuals.

A HEALTH REQUIREMENT IS EXACTED.

All students are subject to examination by the College physician.

DEPARTMENTS OF THE UNIVERSITY

DEPARTMENTS, CURRICULA, COURSES

The University includes the Graduate and Undergraduate Departments.

GRADUATE DEPARTMENT

Aim and Scope—The Graduate Department offers students who have attained to Academic Degrees, studies leading to the higher ones of Master or Doctor as the case may be. The determination of these courses rests with the Committee on Post-graduate Studies. A sufficiently wide option is allotted, much of the instruction being in the form of direction along lines of original research. Courses may be had in Philosophy, English, Latin, Greek, Mathematics, Sociology and Economics, as well as in the professional Colleges of Law, Engineering and Architecture. To those who have taken their Bachelor's Degree with Law, the Degree of LL. B., is granted on the completion of the full course of the Institute of Law.

Theses—Before one is admitted to a higher degree, a thesis must be submitted on a subject chosen by the student with the approbation of the Committee on Theses. It must bear on the matter studied, or at least on cognate matter, and it shall consist of no fewer than 5000 words. The thesis should be typewritten on National White unruled paper, 8½x10¼ inches. The ultimate decision as to whether the effort merits the Degree rests with the Committee on Theses.

UNDERGRADUATE DEPARTMENTS

These include:

A. THE COLLEGE OF PHILOSOPHY AND LETTERS.

A four years' college course, leading to the degree of Bachelor of Arts.

B. THE COLLEGE OF GENERAL SCIENCE.

A four years' college course, leading to the degree of Bachelor of Science.

C. THE INSTITUTE OF LAW.

A standard three years' course of law, leading to the degree of Bachelor of Laws.

D. THE COLLEGE OF ENGINEERING.

(a) Civil Engineering. A four years' course leading to the degree of Bachelor of Science in Civil Engineering.

(b) Mechanical Engineering. A four years' course, leading to the degree of Bachelor of Science in Mechanical Engineering.

(c) Electrical Engineering. A four years' course, leading to the degree of Bachelor of Science in Electrical Engineering.

E. THE COLLEGE OF ARCHITECTURE.

A four years' course, leading to the degree of Bachelor of Science in Architecture.

F. THE SCHOOL OF PEDAGOGY.

A course of study in Education which aims at preparing graduates of the University for capable service in the field of high school education.

G. THE PRE-MEDICAL COURSE.

A two years' course of studies in Chemistry, Biology, and Anatomy, which is recommended to students contemplating entrance into medical schools.

REQUIREMENTS FOR INSTITUTE OF LAW

Students who desire to enter the Institute of Law must present two years of College work at Santa Clara or some other University or College whose requirements are equally stringent. Students lacking two years of College work may matriculate in the usual manner in the College of Philosophy and Letters or in the College of General Science. At the completion of two full years of College work they will be admitted to the courses of the Institute of Law.

CONDITIONS

In certain cases, at the discretion of the Committee on Entrance Standing, which shall decide on the merits of each particular case, conditions in elective branches to the amount of not more than two units may be allowed. All conditions must, however, be removed by the end of the Freshman year.

As the prescriptions in the classical languages are difficult for secondary schools to meet, two conditions may be permitted in these languages in cases of special merit.

INSTITUTE OF LAW

THE STUDY OF THE LAW

The study of the law is not an inquiry into many isolated and independent subjects, for these subjects are all parts of a harmonious whole, designed to secure and increase the safety and the happiness of man. It is not without reason, therefore, that its devotees claim that, next to the sacred ministry, the practice of the law is the noblest and most inspiring of pursuits, since its ultimate end and object is the dispensing of justice among mankind.

THE REALM OF LAW

Law is the authoritative declaration of the rights of persons.

Wherever there is a right, there must be a correlative duty: so that when a right is declared, a duty is declared also.

Persons are (1) ARTIFICIAL: that is, corporations, political, municipal and private;

or (2) NATURAL: that is, human beings.

In considering the rights of persons we should consider

1. Their natural and constitutional rights,
2. Their common law, equity and statutory rights.

It is therefore the purpose of The Institute of Law to present the law as a complete and consistent whole: to familiarize the student with the rights of persons under the National Constitution and laws, as well as under the

Constitution of the State; including the right to personal liberty, personal security and private property. Next in order come the rights secured by the unwritten as well as the statutory law of the State, arising from the domestic relations of husband and wife, parent and child, the quasi-domestic relations of guardian and ward, executor and heir, trustee and beneficiary, and the contractual relations of master and servant, partners, bailor and bailee, principal and agent, landlord and tenant, attorney and client, and all other relations based upon an express or implied contract. Next may be considered the rights of persons in equity, and finally the machinery with which these various rights are enforced and protected, embracing pleading, evidence and practical procedure and the progress of a suit through the trial and appellate courts until it ends in the satisfaction of the judgment.

THE COURSE OF STUDIES IN DETAIL

Pursuing this theory, a panoramic view of the law is first given by a course in

ELEMENTARY LAW

covering Constitutional Law, General Law and Equity.

The various topics of the law, in the view that it is a cohesive and symmetrical whole, are then considered in the order indicated above, as follows:

CORPORATIONS

POLITICAL CORPORATIONS.—The State, the County, the Township, the School, Sanitary, or other District,—Relation of Political Subdivisions—Nature, Power and Functions of these various Political Entities.

MUNICIPAL CORPORATIONS. — Nature — Capacity — Functions — Government — Police Power — Constitutional Limitations—Government by Commission—Creation—Dissolution—Power and Method of Contracting Debts—Power over Streets, Parks and Buildings—Limitation of Power—Specific Performance—Injunction—Power of Taxation—Limit of Indebtedness—Liability for Torts—Estoppel—Street Improvements, etc.

PRIVATE CORPORATIONS.—Formation of—By-Laws—Rights and Liabilities of—Stockholders—Power of Directors—Contracts Express and Implied—Liability for Torts—What Stock is—Transfer, Assessments—Sale—Ultra Vires—Remedies of Creditors—Purchase of its own stock—Dissolution, etc.

THE CONSTITUTION AND STATUTES OF THE UNITED STATES

A Nation not a Federation—the Relation of the Nation to the States—Limitations of Federal Power—Limitations of State Authority—the Departments of the Federal Government—the Legislative Department—the Judicial Department—the Executive Department—the Sphere of Each—Actions of which the Federal Courts have Exclusive Cognizance—Vested Rights—Removal of Causes—Writs of Error and Review—Proceedings in Bankruptcy and in Admiralty—The Process of Law—Ex Post Facto and Retroactive Laws, etc.

PUBLIC INTERNATIONAL LAW or the Law of Nations—Treaties—Comity of Nations—Extradition between Nations, etc.

PRIVATE INTERNATIONAL LAW OR INTER-STATE LAW—Comity of States—Extradition between States—Conflict of Decisions, etc.

THE CONSTITUTION OF THE STATE.—Powers and Limitations of the Legislative Department—Powers and Limitations of the Judicial Department—Powers and Limitations of the Executive Department—the Bill of Rights—Protection to Personal Liberty from Unlawful Restraint or Interference—Protection of Liberty of Speech, of the Press and of Worship—Protection to Personal Security—Protection of Life and Person from Violence and Injury—Protection of Life and Health from Adverse Conditions—Protection of Reputation from Defamation and Slander—Protection to the Right of Acquiring, Holding and Enjoying Property.

These constitutional rights lead us to the consideration of Crimes, Torts and Property.

CRIMES. —Intent — Coercion — Accident — Self-Defence—Competency—Provocation—Principal and Accessory—Agency—Venue—Juries—Preliminary Examinations—Confessions—Dying Declarations—The Various Crimes and their Elements—Criminal Procedure, etc.

TORTS.—A Tort may be a crime. It is a presumptively injurious invasion of the personal rights or property rights of others, from which a liability in damage results. This subject covers a very wide field and embraces a large number of highly important topics. The General View—Elements of Illegal Wrong—Malicious Injury—Grounds of Liability—Immunity of Judicial and Executive Officers—The State Can Do No Wrong—Inevitable Accident—Damnum Absque Injuria—Injury Coming from Exercise of a Right—Special Topics—Damages—Measure of—Nominal, Actual and Punitive—Negligence—Contributory Negligence — Carriers—of Persons and of Property—Libel and Slander—

Nuisance—Malicious Prosecution—Fraud and Deceit—Trespass—Strikes and Lockouts—Monopolies—Unfair Competition, etc.

The constitutional right to acquire, hold and enjoy property brings us to the subjects of real and personal property.

REAL PROPERTY.—Acquisition, Hypothecation and Alienation—Ancient Tenures—Fines and Common Recoveries—Dower and Curtesy—The Rule Against Perpetuities—Fee Simple and Fee Simple Absolute—The Rule in Shelley's Case—When Personalty Becomes Realty — Easements — Eminent Domain — Incorporeal Hereditaments—Money may be Real Property—Trespass Quare Clausum Fregit—Fixtures, Fructus Naturales, etc.

PERSONAL PROPERTY.—How Distinguished from Realty—How the Same Property may be both Personalty and Realty—Personalty as to a Tenant—Realty as to an Heir—Fructus Industriales—Occupancy — Conveyance — Gifts — Bequests — Estates in Personalty—Deodands—Waifs—Treasure Trove—Forfeiture—Escheat—Pledge—Mortgage—Bailment—Products of the Mind—Patents, Copyright, etc.

DOMESTIC RELATIONS.—Husband and Wife—Marriage and Divorce—The Law of the Community—The Unequal Balance—If the Wife Dies, No Probate—If the Husband Dies, Probate—Necessity of Increasing Justice to Women—Husband Can Devise His Half—Wife Has No Similar Right—Husband's Control of the Community—Wife's Capacity to Contract, etc.

Parent and Child.—Obligation of Parent to Nurture, Support and Educate Child—Obligation of Child to

Support Parent under Certain Circumstances — When Others May Supply Food, Clothing and Shelter, and Enforce Payment, etc.

QUASI DOMESTIC RELATIONS.—Guardian and Ward—The Powers, Duties and Liabilities of Guardians—Under the Eyes of the Court—Accounts—Bonds—Management of Property—Compulsory Reports, Removal, etc.

EXECUTOR AND HEIR.—The Law of Probate—Wills—Who May Make—How to Make—Nuncupative and Holographic Wills—Codicils—Limits of Testamentary Power—How far Testator May Relieve Executor from Judicial Action—Effect of Fraud, Mistake, Duress, or Undue Influence—Construction of Wills—Advancements—Posthumous Children—The Law of Succession—Administration—The Right of Appointment—The Guidance and Control of the Court—The Widow's Support—Election to Take by Devise or Take by Law—Attempts to Avoid Probate When Upheld—When Defeated—Deeds in Last Illness—Rights of Creditors—Collateral Inheritance Tax, etc.

TRUSTEE AND BENEFICIARY.—Trusts, Express, Implied, Resulting — Constructive — Charitable Trusts—Trustees—Their Power, Duties and Liabilities—Power of Court Over—Compelling Bonds and Accounts—Suspension, Removal, etc.

We come now to the consideration of Contractual Relations and first to the general consideration of

CONTRACTS. — Express — Implied—Written—Oral—Statute of Frauds—Capacity of Parties—Consideration—Legality—Offer—Acceptance—Withdrawal — Recission—Interpretation—Impossibility, When No Excuse—

Failure of Consideration When Immaterial—When Inoperative for Fraud, Mistake, etc.

CONTRACTUAL RELATIONS

MASTER AND SERVANT.—Their Mutual Relations—Liability of Master for Injury to Servant—Assumption of Hazard by Servant—Status of Servant's Act Under Direct Command—Injury of Fellow Servant—What Acts Do Not Bind Master, etc.

PARTNERSHIP.—How Created—Development of the Law—Status of Partnership Property—Rights, Powers and Liabilities of Partners—Remedies of Creditors—Remedies of Partner Against Copartner—Dissolution—Bankruptcy, etc.

BAILMENTS. — Depositum — Mandatum—Commodatum—Pignus — Locatum — Innkeepers—Post Office—Railroads—Express Companies—Telegraph Companies—Liabilities—Exoneration — Connecting Lines—Stoppage in Transitu—Measure of Damages, etc.

AGENCY.—The Appointment—Constructive Agency—Ratification, Express and Implied—Delegation of Authority—Respective Duties and Liabilities of Principal and Agent—When Principal Not Bound by Act of Agent—End of Relation—When Principal Bound Thereafter by Act of Former Agent, etc.

LANDLORD AND TENANT.—The Rights of the Tenant—The Rights of the Landlord—The Care of the Property—Improvements—Waste—Ouster—Holding Over—Unlawful Detainer—Notice to Quit—Fixtures, etc.

ATTORNEY AND CLIENT.—The Nature of the Relation—Liability of Attorney for Negligence—The Attorney's Power to Bind the Client—The Attorney's Lien for Fees

—The Privity of Parties—No Responsibility to Outside Parties, etc.

BILLS AND NOTES.—Their Legal Requisites—When Not Negotiable—Endorsement—What Releases Endorser—Consideration—Rights of Holders—Presentation—Acceptance—Dishonor—Protest—Transfer Before Maturity—After Maturity—Bona Fide Purchasers for Value, etc.

GUARANTY AND SURETYSHIP.—Distinctions between Guaranty and Suretyship—Guaranty and Endorsement—Guaranty and Warranty—Guaranties of Collection and Payment—Continuing Guaranties—Special Guaranty—General Guaranty—The Contract—Consideration—Capacity of Parties—Legality—Statute of Frauds—Interpretation—Term of Liability—Extent—Transfer—Rights of Surety—Subrogation—Discharge, etc.

EQUITY.—History of Equity—Nature and Limits—Maxims—Their Efficacy in Actual Practice—Discovery—Specific Performance—Equitable Transformation—Notice and Its Results—Reformation and Cancellation of Instruments—Injunction—Prohibitory and Mandatory—Accounting—Partition—Marshalling of Assets—Estates of Infants, Idiots and Lunatics—Equitable Estoppel, etc.

EQUITY PLEADINGS. — Bills—Pleas—Answers—Cross Bills—Disclaimers—Motions—Decrees Nisi—Masters—Receivers—Decretal Orders—Examinations *de bene esse*—Interlocutory Decrees—Final Decrees—Caveats—Bills of Review—Bills of Revivor, etc.

THE MACHINERY OF THE LAW

PLEADING AT COMMON LAW.—The Three Kinds of Action—Oral Pleadings—Written Pleadings—Declara-

tions, Demurrers, Pleas, etc.—The Fictions of the Law—The Various Forms of Actions—The Rules of Pleading, etc.

PLEADINGS UNDER THE CODE.—The Principles of Common Law Pleading Preserved—But One Form of Action—No Reply to Answer—The Essence of Code Pleading—Amendments to Conform to the Evidence at the Trial, etc.

EVIDENCE.—Res Adjudicata—Burden of Proof—Admissions—Presumptions—Judicial Notice—Best Evidence—Depositions—Real Evidence—Expert Evidence—Privileged Communications of Client to Attorney—Patient to Doctor—Layman to Clergyman—Capacity to Testify—Relevancy—Competency — Materiality — Evidential Papers and Records—Methods and Limits of Examination—Impeachment of Witness—Contradiction of One's Own Witness—Objection to Evidence—When Too Late—Protection of Witness from Insolence of Attorney, etc.

THE PROGRESS OF A LAW SUIT.—Filing the Complaint—Issuance of Summons—Service How Made and By Whom—Appearance of Defendant—A General Demurrer—A Special Demurrer—The Process of Service—on Whom and How—The Acknowledgment—The Safest Form—The Hearing—Demurrer Sustained—Time Given to Amend Complaint—Notice to Plaintiff when Necessary and How Given—Extension of Time How Secured—Demurrer Overruled—Time Given to Answer—Notice to Defendant—Answer—Demurrer to Answer—General or Special—Hearing—Demurrer Sustained—Time Given to Amend Answer—Extension of Time By Stipulation—By Order of Court—Limit of Extensions

By Court—Motion to Set Cause for Trial—What a Motion Is—How Presented—Jury How Demanded—Putting Up the Fees—How Waived—Preparation for Trial—Conferring with Witnesses—Taking Depositions—In the State—In Another State or Country—Refusal of Witness to Answer—Issuing Subpoenas—Who May Serve and How—Limit of Subpoena's Territory—Penalty for Disobedience—Motion to Postpone Trial—How and When Presented—Effect of Negligence or Undue Delay in Moving—What Reasons Sufficient—Affidavit of Merits—Payment of Costs as a Condition.

THE TRIAL.—Statement of the Case—Drawing the Panel—Oath to the Talesmen—Examination of Talesmen—Purpose and Extent of It—Challenges—For Cause—Peremptory—Swearing the Jury to Try the Cause—The Oath to the Witness—Objection to Testimony—Motion to Strike Out—Exception: How Taken—Remedy When Answer Is Too Swift—When Exception and Motion Come Too Late—Motion for a Nonsuit—Motion to Instruct Jury to Return a Certain Verdict—Instructions—Exceptions to Instructions—Charging the Jury—Swearing the Bailiff—Returning for Further Instructions—What May Go to the Jury Room—Misconduct of Jury and Result—The Verdict—Its Form—How Presented and Recorded—Polling the Jury—Discharge of Jury—Taxation of Costs.

TRIAL BY THE COURT WITHOUT A JURY.—Motion for New Trial—Stay of Execution—Notice of Intention—Form and Service—Statement or Bill of Exceptions—Hearing of Motion, etc.

APPEAL.—Notice and Undertakings—Transcript on Appeal—Briefs—Hearing—Petition for Rehearing—

Costs—Remittitur—Execution—Notice of Sale—Sale—Satisfaction of Judgment.

THE PROCEDURE OF INJUNCTIONS.—Attachments—Replevin—Review—Mandamus—Prohibition—Quo Warranto—Habeas Corpus—Election Contests, etc., will be similarly made clear. This branch — The Machinery of the Law—like most of the other courses, is under the direction of a practical attorney of long and varied experience at the bar. It will be made a special feature of the Institute.

THE METHOD OF INSTRUCTION

The method of instruction inevitably fixes the comparative value of the result. The student should solicitously seek the method which will best fit him for his practical work at the bar.

It is said that there are three systems now in vogue:

1. The Absolute Case System.
2. The Lecture System.
3. The Text Book System.

But a truer view perhaps is that there are but two systems:

1. A system by which the principles of the law are derived solely from the study and consideration of specific cases. This is the Absolute Case System;

2. A system by which the principles of the law are conveyed by means of treatises of eminent jurists or by means of lectures based in part upon the best treatises and also upon original research and personal experience. This system does not exclude the use of cases. It employs them, freely, but chiefly by way of illustration

and to give the student practical aid in the intelligent handling of reports and the weighing of decisions.

The Case System was inaugurated by Harvard in 1871 and the same course is pursued also in the law schools of the following universities, namely: Wisconsin, New York, North Western, Illinois, Chicago, Fordham, Cornell, Minnesota, George Washington (D. C.), Iowa, Maine, Louisville, Nebraska, Missouri, Pennsylvania, California, Leland Stanford, Jr.; also in the Hastings Law School, in San Francisco, and probably many others not heard from. In the Northwestern University we are told that each instructor employs the case system "according to his own judgment, conducting the class by lectures, discussions, recitations, written exercises, or in any way he deems best adapted to the subject."

Even Harvard, as appears from the most recent circular of that university, does not assume that the student's sole source of legal knowledge is the case book or the professor's explanations thereof; but permits and doubtless expects him to illuminate the study of the case under consideration, by the reading of the best treatises on the subject.

The second or composite system seems to be growing rapidly in favor. It is used in the following universities and law schools: The National University, Yale, Michigan, Indiana, Georgia, Mercer, Kansas, Georgetown, Catholic University, The New York Law School, Tennessee, St. Louis, Chattanooga, Vanderbilt, Albany, Loyola, Southern California, Cumberland, Notre Dame, Montana, Boston, St. Paul, Pittsburg, Colorado, Colorado College, Mississippi, Virginia, Ohio, Washington University in St. Louis, and doubtless many others. The

Cincinnati Law School is claimed as a case school but its latest catalogue contains, at page 225, a schedule of lectures covering every important topic of the law for the current school year. The New York Law School has issued a most convincing brief against the exclusive case system. The Southern Law schools in general maintain a high standard of merit and excellence. They are practically unanimous in the conclusion that it is impossible for an exclusive case system to produce a well equipped lawyer. They strongly favor the use of the ablest treatises, and surely it is not without reason that they urge that the master works of our Kents and Minors and Bishops and Wigmores, and their illustrious fellows, representing a life-time of specially skilled labor in the critical consideration and comparison of tens of thousands of cases, should not go unutilized in the preparation of young men for the bar.

The strongest objections to the absolute case system as the sole source of legal equipment seem to be deducible from the arguments of its advocates. A student of botany would surely be unwise not to avail himself of the storehouse of facts ready at hand, crammed with the results of the life-long observations of men peculiarly fitted for the work. A student of chemistry would seem to be a promising candidate for the Home for the Feeble Minded who instead of acquainting himself with the results of probably a hundred times as many experiments as his brief course of a few years would permit him to make in a university, should attempt in that inadequate period to reconstruct for himself the grand proportions of the temple of chemical knowledge. "Ah, but he will have aid." Then if he is to have aid, he should have the best aid

and the most aid within his reach. He should possess himself of all the garnered knowledge of the science, the product, it may be, of the labors of a host of gifted men. And every step in it will but verify and illustrate a small part of what he already knows.

The medical student cannot master the science of medicine or even of surgery by mere attendance upon hospitals and could certainly never get a license to practise by that course alone. More than that, if he had first filled his mind with the medical learning of the books, the hospital experience itself would have infinitely more value and significance to him. The ordinary student of history cannot go to the sources. Such work should be done thoroughly or not at all and for him life is too short for that. Even the professional historian must restrict his researches to a small part of the entire field. Is it not the same with the law student? If he is going to the sources merely to gain practice in dealing with decisions, a moderate amount of such work only should be done or it will seriously interfere with the main purpose of his legal course, namely; the acquisition of legal knowledge. If on the other hand that is to be his sole source of learning, then he should not merely dip his fingertips into it. He should go into it exhaustively. If he is not in any way to have the benefit of the works of the approved legal authors either directly or through the medium of lectures, then what they all did collectively he must do singly, to reach the same results. But that is impossible, even though he gave his whole life to it. As an example let us consider Bishop on Contracts. Here in 600 pages, based upon nearly 11,000 cases, is presented the work of a legal genius, a man

of fine, analytical, judicial mind, a skilled expert, *whose opinions are the most valuable part of the work*. Compare this master work with Huffcut and Woodruff's Cases on Contract, containing 267 cases and citing 500 cases. The cases are most wisely selected, but will any one seriously contend that any amount of familiarity with this case book will give the student the knowledge of contracts he could gain from Bishop or from lectures conveying the same matter? The case book should be regarded not as a rival or substitute, but as a supplement and an auxiliary to the treatise or lecture.

The professors of The Institute of Law, who are mostly men of long experience in the practice of law, are of one mind, namely: that a fair compliance with the rule of the Supreme Court of California, which requires a knowledge on the part of an applicant for a license of Blackstone, Kent, Greenleaf, Story, Gould, Lube, Parsons and Pomeroy, demands that the results of the labors of these great workers in the vineyard of the cases and of others such as they should be given to the student; they are of the opinion that the case book should be used solely to illustrate certain principles so acquired and to give experience in the critical examination of opinions, the recognition of dicta and the ascertainment of the exact value of decisions; that it lies in the realm of practice rather than of the acquirement of legal knowledge, and that legal knowledge should be gained connectedly and as a compact and symmetrical whole. Upon any one of the authors mentioned, a long list of important questions could be framed, the answers to which would be unknown to the student of the case book on that subject, because outside of his field of knowledge—outside

of the inevitable limitations of the case book. For example, the most faithful and brilliant student of the case books of Fetter, and Huffcut and Woodruff, on Equity and Contracts respectively, could not hope to pass unscathed through a searching examination upon the text of Story on Equity Jurisprudence or of Parsons or Bishop on Contracts.

Moreover, a most important consideration is this, that the cases in the case books *were not decided for the instruction of students*; so a case containing a principle which lies at the threshold of a subject may also contain a principle which would come in the very last chapter of a treatise on that subject. Then, too, the diction of judges is intended for lawyers, not for students.

The strongest practical proof of the inadequacy of the exclusive case system is the constantly increasing amount of "piecing out" found in the case books of the most eminent editors, in a kind of desultory effort to fill up in some measure the obvious gaps left by the cases. What can all this result in, in effect, except an imperfect and disjointed treatise?

THE SPECIFIC PLAN ADOPTED.

Accordingly a portion of the time devoted to each subject is, at each session, given, first, to a lecture based upon and conveying in a manner suited to the purpose, the substance of the master commentators of the law upon the special topic being presented, supplemented, when necessary, by recent decisions, showing a change or further evolution of the law. Among the writers whose renown is as assured in law as that of Euclid in geometry, no one is always and continuously pre-emi-

ment. "Quandoque bonus dormitat Homerus." An author may be unquestionably foremost in his general treatment of a subject and yet be less satisfactory than another at one point and than still another at a second point. One may be best in the statement of a principle and the conclusions which flow from it; another most useful in the illustrations given to support the principle. It is the lecturer's province therefore to give and elucidate the best that can be gathered from *all* the masters on the subject of the lecture.

A second portion of the time is given to a brief examination upon the previous lecture and occasionally a review of all the ground traversed. A third portion is devoted to giving out facts from actual cases to be solved at the next session of the class and to hearing the solution of similar legal problems given out at a prior session. This is found to awaken a lively interest, to engrave the remembrance of principles deeply on the mind, to correct mistaken notions of their meaning, and to test and develop the student's power of applying principles to concrete facts. The benefit from this is similar to that derived from working out by one's own efforts a problem in geometry, while the case book gives him problems fully worked out. Lastly comes the case book and the most zealous advocate of the exclusive case system would be surprised to note the ground traversed and the intelligent, excellent work which can be done in this line by students *so prepared for it*. A lot of cases is not given to the whole class. Each student is given usually but a single case each time for preparation. The result is that he has his case ready with such practical perfection that all his fellows are involuntarily in-

terested in his statement of it, and so all have the full benefit of what every one has done, and at the same time a strong spirit of rivalry and emulation is excited. Moreover, the monotony, which results from having a number of students go over the same case in immediate succession, is by this method entirely eliminated. If a doubt arises as to the true purport of a case, the minds of the whole class are turned instantly to the solution of it. By this plan, while extracting from each case all that is of use in it, no difficulty is found in advancing as rapidly with the case book as the progress of the lectures makes advisable. Indeed the ground can be retraversed (the assignments being changed) until the class is familiar with all the cases, while still keeping pace with the lectures.

THE RELATIVE IMPORTANCE OF TOPICS.

To a lawyer who takes delight in the struggles of the court room, the subject of Torts, with all its ramifications of Libel and Slander, Malicious Prosecution, Trespass, Injury to Person or Property, Negligence, Contributory Negligence, Carriers and Damages, is especially interesting and especially available to further his ambition.

To one for whom the excitement of prosecuting or defending public offenses has an attraction, the subject of Criminal Law will frequently prove congenial.

He whose mind finds more pleasure in private study or who shrinks from contest will be inclined to give himself up to the mastery of Probate, Commercial or Corporation Law.

During the course each student can readily discover the line which best suits his tastes and capacity, and after his admission to the bar specialize his further researches accordingly.

THE LAW COURSE—TREATISES AND CASE BOOKS.

First Year

ELEMENTARY LAW:

General View of the Law. Constitutional Law.
Common Law. Equity.

TREATISES AND CASE BOOKS:

Blackstone's Commentaries, Kent's Commentaries.
Walker's American Law, Robinson's Elementary
Law.

CORPORATIONS, PRIVATE:

Stock and Stockholders. Ultra Vires, etc.

TREATISES AND CASE BOOKS

Clark on Corporations; Helliwell on Stock and Stockholders; Reese's Ultra Vires.

Shepard's Cases; also Wilgus' Cases, Richards' Cases, Keener's Cases.

CONSTITUTIONAL LAW:

Bill of Rights. Constitutional Limitations. Vested Rights. Unlawful Combinations, etc.

TREATISES AND CASE BOOKS

Black's Constitutional Law; Cooley's Constitutional Law; Story on the Constitution; Cooley's Constitutional Limitations; Myer's Vested Rights; Freund's Police Power; Eddy on Combinations.

Boyd's Cases; also McClain's Cases, Hall's Cases, Richards' Cases, Thayer's Cases.

INTERNATIONAL LAWS

Interstate Law. Conflict of Laws, etc.

TREATISES AND CASE BOOKS

Taylor's International Law; Rorer's Interstate Law; Minor's Conflict of Laws; Westlake's International Law and Private International Law. Lorenzen's Cases on Conflict of Laws.

EQUITY AND EQUITY PLEADING:

TREATISES AND CASE BOOKS

Story's Equity Jurisprudence; Fetter's Equity. Lube's Equity Pleading.

Hutchin's and Bunker's Cases; also Fetter's Cases, Scott's Cases, Keener's Cases, Shepard's Cases.

CRIMINAL LAW AND PROCEDURE:

TREATISES AND CASE BOOKS

Bishop's Criminal Law and Procedure; Hughes' Criminal Law, Hawley and McGregor's Criminal Laws, May's Criminal Law.

Beale's Cases; also Chaplin's Cases.

TORTS:

Damages. Carriers. Negligence and Contributory Negligence. Slander. Nuisance, etc.

TREATISES AND CASE BOOKS

Bishop's Non-Contract Law; Cooley on Torts; Kinkead on Torts; Hale on Damages; Moore on Carriers; Barrows on Negligence; Beach on Contributory Negligence; Odgers on Slander; Wood on Nuisance; Joyce on Nuisance.

Chase's Cases; also Hepburn's Cases, Russell's Cases, Ames and Smith's Cases, Wigmore's Cases, Beale's Cases, McClain's Cases, Simpson's Cases, Green's Cases, Mechem and Gilbert's Cases, Burdick's Cases.

PLEADING:

At Common Law and Under the Code. Jurisdiction. Parties to Actions, etc.

TREATISES AND CASE BOOKS

Shipman's Common Law Pleading; Gould's Pleading; Stephens' Pleading; Bryant's Code Pleading; Bliss on Code Pleading.

Hinton's Cases; also Ames' Cases, Keene's Cases.

Second Year

CORPORATIONS, PUBLIC:

Political: The State, County, Township, School District. Municipal Corporations, etc.

TREATISES AND CASE BOOKS

Elliott's Elements of Public Corporations; Ingersoll's Public Corporations; Dillon's Municipal Corporations; Tiedeman's Municipal Corporations.

Beale's Cases; also *Abbott's Cases*, *Freund's Cases*, *Macey's Cases*.

DOMESTIC RELATIONS:

Husband and Wife. Marriage and Divorce. Property Rights. Parent and Child. Infancy.

TREATISES AND CASE BOOKS

Tiffany on Domestic Relations; Reeve's Domestic Relations; Schouler on Husband and Wife; Bishop on Marriage and Divorce; Field on Infancy.

Holbrooks' Cases; *Woodruff's Cases*.

CONTRACTS:

General View of Parties, Consideration, Consent, Legality, Operation, Interpretation, Performance, Discharge, etc.

TREATISES AND CASE BOOKS

Bishop on Contracts; Parsons on Contracts; Anson on Contracts; Ray's Contractual Limitations; Pingrey's Extraordinary Industrial and Interstate Contracts, Ashley on Contracts.

Huffcut and Woodruff's Cases; also *Keener's Cases*, *Langdell's Cases*, *Williston's Cases*, *Terry's Cases*.

AGENCY:

TREATISES AND CASE BOOKS

Tiffany on Principal and Agent; Story on Agency;
Mechem on Agency.

Huffcut's Cases; also Goddard's Cases, Mechem's
Cases.

NEGOTIABLE INSTRUMENTS:

TREATISES AND CASE BOOKS

Byle's on Bills; Daniels' Negotiable Instruments;
Bigelow on Bills and Notes; Bunker's Negoti-
able Instruments; Randolph's Commercial Pa-
per.

Smith and Moore's Cases; also Bunker's Cases,
Huffcut's Cases.

PERSONAL PROPERTY:

Acquisition. Gift. Bailment. Chattel Mortgage,
etc.

TREATISES AND CASE BOOKS

Darlington's Personal Property; Child's Personal
Property; Dwight on Persons and Personal
Property; Jones on Chattle Mortgages; Thorn-
ton on Gifts, etc.

Finch's Cases; also Rood's Cases.

Hale on Bailments; Van Zile on Bailments; Moore
on Carriers; Hutchinson on Carriers.

Goddard's Cases; also Griffin's Cases; Pattie's
Cases.

REAL PROPERTY:

Title. Easements. Eminent Domain Laws. Suc-
cession. Specific Performance. Mortgages. Fraud-
ulent Transfer, etc.

TREATISES AND CASE BOOKS

Minor and Wurtz on Real Property; Tiedeman on Real Property; Warvelle's Real Property; Jones on Easements; Lewis on Eminent Domain; Nichols on Eminent Domain; Pomeroy on Specific Performance; Jones on Mortgages. *Finch's Cases*; also Rood's Cases, American Cases, Sharswood's and Budd's Cases, Gate's Cases.

SALES, REALTY AND PERSONALTY:

Deeds. Bills. Sale. Statute of Frauds, Judicial Sales. Tax Sales, etc.

TREATISES AND CASE BOOKS

Devlin on Deeds; Warvelle's Vendor and Vendee; Benjamin on Sales; Burdick on Sales; Browne on Frauds; Bigelow on Frauds; Moore on Fraudulent Conveyances; Rorer on Judicial Sales; Freeman on Sales; Black on Tax Titles; Tiffany on Sales; Van Zile's Cases.

Burdick's Cases.

EVIDENCE:

Estoppel. Res Adjudicata. Collateral Attack.

TREATISES AND CASE BOOKS

Wigmore on Evidence; Hammon on Evidence; Greenleaf on Evidence; Jones on Evidence; Thayer's Preliminary Treatise; Browne's Parol Evidence; Lawson's Presumptive Evidence; Moore on Facts; Herman on Estoppel; Van Fleet on Collateral Attack; Lawson's Expert and Opinion Evidence.

Wigmore's Cases; also Thayer's Cases, Abbott's Cases.

Third Year

TRUSTS AND TRUSTEES:

Receivers. Referees, etc.

TREATISES AND TEXT BOOKS:

Perry on Trusts; Pound on Trusts.

High on Receivers; Poor on Referees.

Alderson on Receivers.

Ames' Cases; Kenneson's Cases.

MASTER AND SERVANT:

TREATISES AND CASE BOOKS

Smith on Master and Servant; Bailey on Master's Liability; Labatt on Master and Servant.

PARTNERSHIP:

TREATISES AND CASE BOOKS

Mechem's Elements of Partnership; Gilmore on Partnership; Lindley on Partnership.

Gilmore's Cases; Burdick's Cases; Mechem's Cases.

LANDLORD AND TENANT:

TREATISES AND CASE BOOKS

Jones on Landlord and Tenant; McAdam on Landlord and Tenant.

PROBATE LAW:

Wills. Administration. Executors. Guardians.

TREATISES AND CASE BOOKS

Rood on Wills; Gardner on Wills.

Woerner on Administration; Schouler on Executors; Woerner on Guardians.

Costigan's Cases on Wills and Administrations;

Mechem's Cases, Bates' Cases on Wills.

EXTRAORDINARY LEGAL REMEDIES:

Injunctions. Mandamus. Attachment. Replevin. Review. Prohibition. Quo Warranto. Habeas Corpus. Extradition. Arrest and Bail. Election Contests.

TREATISES AND CASE BOOKS

Spelling on Injunction; High on Injunction; Wood on Mandamus; Shinn on Attachment; Shinn on Replevin; Church on Habeas Corpus; Moore on Extradition; Voorhees on Arrest and Bail; McCrary on Election Contest.

PRACTICAL PROCEDURE:

Depositions. Trials. Witnesses. Contempts. Juries. New Trials. Appellate Procedure. Executions, etc.

TREATISES AND CASE BOOKS

Bailey on Jurisdiction; Clement on Special Verdicts and Findings; Wells on Depositions; Thompson on Trials; Rapalje on Witnesses and on Contempts; Spelling on New Trial and Appellate Procedure; Freeman on Execution; Foster's Federal Practice; Moore on Removal of Causes; Loveland's Bankruptcy; Black on Judgments; Sedgwick's Statutory Construction; Wambaugh's Study of Cases, Abbott's Brief Making and Use of Law Books; Alderson's Judicial Writs and Processes; Bailey's Conflict of Decisions; Hayne on New Trials.

The only book needed by the student, on each topic, is the case book, printed in italics. The treatises and the other case books are utilized by the instructors as above

explained. For this purpose, besides the specific case books, many general collections of leading cases are used to supply the practical problems given daily to the students.

PARLIAMENTARY LAW AND FORENSIC ORATORY.

Weekly debating and practice in the forms of parliamentary order and discussion. A course calculated to familiarize the student with parliamentary procedure, and to give him ease, self-possession, force and resourcefulness in public speaking and forensic argumentation.

MOOT COURTS are conducted in connection with the course on Practical Procedure, not for the display of forensic oratory, but to familiarize the student with the machinery of a law suit and with the province of attorney, judge, clerk, sheriff, jury, etc.

TEXT BOOKS.

Robert's Rules of Order; Waple's Hand Book on Parliamentary Practice.

Robinson's Forensic Oratory.

ACKNOWLEDGMENTS

Since the close of the last scholastic year, many substantial donations have been made to the Law Library; many still continue to come in, showing that the friends and alumni of Santa Clara are determined that as far as they are concerned, this Department of the University shall be well equipped for its work.

The following is a list of the donations received:

From Mrs. Elizabeth C. Belden, about 82 volumes.

From Hon. James V. Coffey, Ph. D., 1901, five volumes, four pamphlets.

From Curtis H. Lindley, LL. D., 1912, two volumes.

From Hon. Secretary of State of California, two volumes.

From Hon. Joseph Scott, Ph. D., 1907, 31 volumes.

From Mr. T. I. Bergin, A. B., 1857, A. M., 1865, 103 volumes.

From Hon. Julius Kahn, M. C., six volumes.

From Mr. John W. Ryland, B. S., 1877, LL. B., 1912, \$1,000.

From Hon. John G. Covert, B. S., 1891, \$50.

From Hon. Wm. Lawlor, \$10.

From Dr. Orestes J. Orena, B. S., 1877, \$100.

From Mr. Frank Cleary, LL. B., of San Francisco, \$20.

